

Ravalli County Planning Board
March 1, 2006
7:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

Public Hearing

Sunnyside Orchards #3 Block 12, Lot 32, AP (Blue Jay Investments, LLC) Minor Subdivision with
One Variance Request

1. Call to order

Dan called the meeting to order at 7:02 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Ben Hillicoss (present)
Dan Huls (present)
Frankie Laible (not present - excused)
Roger Linhart (present)
Chip Pigman (present)
Les Rutledge (present)
Lori Schallenberger (present)
Garry Shook (present)
Gary Zebrowski (present)
Tom Ruffatto (present)

(B) Staff

Benjamin Howell
Karen Hughes
Tristan Riddell
Renee Van Hoven

3. Approval of Minutes

Dan asked if there were any corrections or additions to the minutes from February 15, 2006.
There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. Correspondence

Three public comment letters were submitted pertaining to the Sunnyside Orchards #3, Block 12, Lot 32, AP (Blue Jay Investments, LLC) minor subdivision. All members of the board received copies (See Attachments B, C and D, Public Comment Letters).

6. Disclosure of Possible/Perceived Conflicts

There were none.

7. Public Hearing

(A) Sunnyside Orchards #3 Block 12, Lot 32, AP (Blue Jay Investments, LLC) Minor Subdivision with One Variance Request

(i) Staff Report on the Subdivision and Variance Request. **Benjamin Howell** gave a Power Point presentation. He outlined the proposal and stated that Staff recommended denial of the Variance request and approval of the Sunnyside Orchards #3 Block 12, Lot 32, AP minor subdivision based on the findings of fact and conclusion of law in the Staff Report and subject to the conditions of the Staff Report (See Attachment E, Sunnyside Orchards #3 Block 12, Lot 32, AP (Blue Jay Investments, LLC) Minor Subdivision with One Variance Request).

(ii) Three Minute Rule Waiver Requests

There were none.

(iii) Public Comment on the Subdivision and Variance Request

(a) Persons in Favor

Jake Kammerer stated that he had some disagreements with the Staff Report. Jake noted that he would like the condition that no build/alteration zones be placed on all areas with slope 25% or greater be amended to state that no dwelling structures be created on slopes greater than 25 %. He then noted that the southern portion of the lots has severe soils for road building and home construction. He felt that if residents wanted to create a small barn or shed, it should be permissible. He went on to state that the notification of proximity to Ambrose Creek is misleading. Jake stated that the closest point to the property is over 500 feet away and Ambrose Creek has an extremely well defined channel so flooding is very unlikely. He requested that fire and school district contributions be paid at first conveyance of lots rather than at final plat approval. In response to Staff's argument that an internal road could be constructed with an access point at Illinois Bench road, Jake stated that having an access that close to the intersection of Ambrose Creek and Illinois Bench Roads would pose a safety hazard. He ended his comment period by stating that besides the disagreements he had brought up, the Staff Report was well written.

Jason Joost noted that the property is too narrow to warrant the construction of an internal road.

John R. Joost stated that he hoped the board would approve the subdivision request.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close Public Comment

(iv) Board Deliberation on the Variance Request (from building an internal road)

(a) Board discussion and questions

Chip stated that there are many tracts in area of proposed subdivision that look very similar, and if internal roads are required, a lot of paved surfaces would be created. He also noted that speed at the intersection really doesn't pose a problem.

Garry stated that he sees no benefit to adding the surface area of an internal road, and that not building another road is a positive thing. He finished by saying that there are no adverse effects of common accesses.

Les pointed out that access on Illinois Bench would not be wise and would create a more dangerous intersection. He also noted that there could be a possible safety issue with the second access due to its proximity to Illinois Bench Road.

Roger stated that he is in favor of the variance request, and that two accesses near the Ambrose Creek and Illinois Bench intersection could help slow traffic down. He concluded by saying an internal road does not make sense.

Ben stated that he supports the recommendations of Planning Staff and the Road Department and therefore the Planning Board should deny the variance request.

Les asked Jake why he had submitted a plat with an internal road designed on it.

Jake stated that he submitted designs for an internal road because he does not want to go against the boards wishes. He then stated that the speed of traffic at the second access point creates no issue with safety. He concluded by stating that an internal road would cause people to be blinded by oncoming headlights, and that that is a dangerous situation.

Chip stated that a three way stop at the existing intersection already slows traffic. He also mentioned the environmental costs associated with the construction of impervious surfaces.

(b) Board action

(1) Review of the Variance Request against the Five Criteria

The Board did not review the Five Criteria beyond their discussion and the findings of fact and conclusions of law in the Staff Report.

(2) Board Decision

Roger made a motion to approve the variance request allowing for two common accesses based on the topography of the ground, the fact that it is not safe to access off Illinois Bench, the environmental cost of paving a frontage road, the difficulty of weed control, and the fact that there is an existing three way stop at the intersection of Ambrose Creek and Illinois Bench Roads.

Chip seconded the motion.

The vote was called; the members voted (7-2) to approve the Variance Request (See Attachment F, Sunnyside Orchards #3 Block 12, Lot 32, AP Variance Request).

(v) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Tom asked Jake if there were going to be both Fire and School District contributions.

Jake stated that contributions to both Fire and School Districts were going to be made.

Lori asked Jake why he was concerned with the condition recommending no build/alteration zones.

Jake stated that based on limited building envelopes he does not want to prohibit the construction of a chicken coup or a playhouse. He then stated that he is not opposed to the condition stating that no dwellings can be constructed in the no build/alteration zone.

There was confusion amongst the board regarding the condition requiring a no build/alteration zone

Karen addressed the Board citing the section of County Regulations pertaining to no build/alteration zones. She noted that a variance would be required in order to allow building on areas with slopes greater than 25%.

Les stated that he agrees with Jake's comments about the last two paragraphs on page 3, and found that they are not appropriate.

Roger followed what up Les' comment and agreed with Jake that the word "close" is an interpretive thing and that changing it to 530 ft would be a good notification in regards to the subdivision's proximity to Ambrose Creek, and that flood insurance should not be a requirement.

Dan made reference to a court case in Missoula that dealt with flood insurance issues, and thought that a recommendation is a good idea.

Renee told the board that the County Floodplain Administrator asked that flood insurance be recommended and that it is not a requirement.

Dan said that he has nothing wrong with including language recommending flood insurance.

Garry stated that flooding would come from Ambrose Creek and it doesn't appear that the parcel is at all within a floodplain.

Jake stated that requiring flood insurance could scare off buyers, and is not necessary.

Chip noted that the Board should amend condition 8 and 10.

Lori asked staff about condition 11 and where exactly the no build/alteration zones are located.

Ben stated that the requirements for no build/alteration zones are on areas of slope of 25% or greater, and that this falls under Regulations.

Chip stated that an amendment should be made to condition 11 to allow the construction of certain structures but no dwelling units.

Gary wanted to make it clear that condition 11 was dealing with two separate issues and that when amending it that is noticed.

Ben stated he was unclear on how the contribution to the Fire Department was going to be applied. He stated that the contribution should be split into two payments, one at final plat and one at first conveyance.

(b) Board action

Roger made a motion to approve the subdivision based on findings of fact and conclusions of law in the Staff Report and subject to the Conditions in the Staff Report with amendments to page 3 of Staff Report: notification of proximity to Ambrose Creek to change the word close to 530 feet, changes of conditions 8 and 10 on page 5 to read upon first conveyance instead of prior to final plat approval and for condition 11 to read no build for residential dwelling units

Lori seconded motion.

(1) Review of the Subdivision Proposal against the Six Criteria

The Board did not review the subdivision against the Six Criteria.

(2) Board Decision

The vote was called; and the members voted (7-2) to approve the Subdivision Proposal (See Attachment G, Sunnyside Orchards #3 Block 12, Lot 32, AP Subdivision Proposal).

8. **Close Public Hearing**

9. **Communications from Staff**

- Patrick's resignation letter was passed out to the Board.
- New Planner 1 Shaun Morrell was introduced to the Board.
- US Highway 93 Corridor Public Meetings scheduled for 3/14 (Hamilton-BCC room), 3/21 (Florence-Carlton High School), 3/23 (Stevensville High School)

Renee informed the board on how planning should move forward within the 93 corridor. The meetings will be held between 6:00 p.m. and 8:00 p.m. Renee asked if some of the Board members could attend the meetings.

- March 8th Public Meeting w/ BCC & Hamilton Planning Board for Old Corvallis Road Area 3 Neighborhood Plan

Karen told the Board that the goal of the meeting is to invite public comment, and that it will be in conjunction with the Hamilton City Planning Board.

Gary asked if the plan was a joint effort between the County and City of Hamilton

Karen told him that there is an agreement between both jurisdictions, and that the focus of the plan has to do with the area getting sewer connection. Economic Planning has not been a big thing in the process.

Dan noted that the meeting would be a good opportunity for the Board to work with the Hamilton Board

10. **Communications from Public**

There were none.

11. **Communications from Board**

Ben offered suggestions relative to setting up an ad hoc committee to conserve open-land.

Les talked about how Missoula has been dealing with this issue and noted an editorial from the Missoulian.

Ben noted that the pro-rata committee was effective and that a committee on open space would also be very effective in coming up with ideas and guidance.

Dan stated would like support for RFRB in regards to protecting open space and creating regulations that would help support this. He also stated to the Board that the BCC had approved interim zoning to regulate "big box" development.

Karen explained the proposal the commissioners are thinking about implementing and let the board know that the meeting will be held on the 21st of March.

Chip stated that encouraging growth around existing infrastructure and capital facilities may not work without the help of the City of Hamilton. Communities in the area are not open to this type of growth and this really hinders the Boards ideas for growth within the county. Hamilton doesn't want to extend services.

Les asked why the city wasted money on an engineering study if they are not receptive to expanding growth.

Gary added to what Les had pointed out and stated that it would be a big waste of time without Hamilton's support.

Dan stated that in attending the meeting on the 8th, the Board would be able to get a feel for where the city of Hamilton stands regarding the situation.

Garry stated that the valley needs to be for something. Stopping "big box" development creates problems when you also do not want to invest in local infrastructure and have internal growth.

Ben added that the Board is typically pro growth, and mostly supports growth, but there is a high portion of people in the valley that have the opposite point of view. The Board needs to think hard about what it is they really want to see when it comes to development, and show what they do support and what they don't support.

Chip stated that the Board never advocates anything they just tend to oppose things and there seems to be very little planning.

Dan asked for volunteers to look at land use planning issues within the valley.

The Land Use Committee is to consist of Ben, Roger, Garry, Chip and Les.

Dan stated that the RFRB voted unanimously to place an issue for a bond of 10 million dollars to protect open space/farmland on this year's ballot, and that there is a meeting to discuss this manner at the Corvallis Grange at 9:00 p.m. March 9, 2006. He then talked about a group known as the Blackfoot Challenge, a land owner group in the Blackfoot Valley that is dedicated to land preservation. He stated that plans to develop a similar group in the Bitterroot Valley.

Some of the Board expressed concern regarding how the public would feel in regards to having to pay taxes to protect open space.

Les stated that a concern is the fact that when conservation easements are placed on the land, the public feels shut out.

Dan talked about pro rata per **Ben's** request, which was followed by some discussion amongst the Board. He described how a recent meeting with the Board of County Commissioner's turned out.

Karen gave her opinion regarding the pro rata meeting. She also noted that there is a need to have developers get preliminary assessment on pro rata to limit shock of costs once final plat roles around.

Discussion continued on how road reviews work and how it seems unnecessary for engineers to have to review each other and that the added costs it causes are unfair for developers.

12. **New Business**

There was none.

13. **Old Business**

There was none.

14. **Next Regularly Scheduled Meeting: March 15, 2006 at 3:00 p.m.**

Sunnyside Orchards Block 4, Lots 14 & 15, AP (K & L Development) Major Subdivision – Plat Evaluation

15. **Adjournment** 9:01 p.m.